IN RE: PETITION FOR RESIDENTIAL \* BEFORE THE ZONING VARIANCE W/S Horn Avenue, 250 ft. N \* ZONING COMMISSIONER of c/l Halbert Avenue 9506 Horn Avenue \* OF BALTIMORE COUNTY 11th Election District \* Case No. 92-478-A 5th Councilmanic District James B. Thomas, et al Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 6 ft. high residential privacy fence in the rear yard, which adjoins the front yard of a neighboring property, in lieu of the required 42 inch height, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

**AFFIDAVIT** 

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as fol

That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) is/are con

That based upon personal knowledge, the following are the facts upon which I/see base the request for an Adminis

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of neighbor's property we petition for easing of variance

2. For additional security of children and tools, equipment

and personal property stored outside of home on property

3. Not allowing variance would be an injustice because

other homeowners in area have been granted a variance

testify thereto in the event that a public hearing is acheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9506 HORN AVE

to install a similar Fence.

6/1/92

IN SUPPORT OF ADMINISTRATIVE VARIANCE

BALTIMORE MD 21236-1522

MICROFILMED

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Variance from Section 42 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 6 ft. high residential privacy fence in the rear yard, which adjoins the front yard of a neighboring property, in lieu of the required 42 inch height, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> 2. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC) from Developers Engineering Division, dated June 22, 1992, which are adopted in their entirety and made a part of this Order.

> > Zoning Commissioner for Baltimore County

9506 HORN AVE., BAYO., MD. 21236

N. 09° 32′ 32° E. 60.00′.

5.80° 27' 28" E. 93.92',

AS RECORDED IN DEED UBER # 9038 FOUO# 437. BALTIMORE COUNTY PLAT BOOK \$ 55, FOUT 128

92-478-A DESCRIPTION OF PROPERTY

BEGINNING AT A POINT ON THE WEST SIDE OF HORN AVENUE WHICH IS 50' WIDE AT A DISTANCE OF \$250' NORTH OF THE CENTERUNE OF HALBERT AVENUE WHICH 19 50' WIDE, THE FOLLOWING COURSES AND DISTANCES; N. 80° 27' 28' W. 93.24'.

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المعققة السيداد

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 8, 1992

Lawrence E. Schmidt Zoning Commissioner (410) 887-4386

Suite 113 Courthouse

400 Washington Avenue

Mr. and Mrs. James B. Thomas

Case No. 92-478-A

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Residential Zoning Variance

Enclosed please find the decision rendered in the above captioned

In the event the decision rendered is unfavorable to any party, please

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

case. The Petition for Residential Variance has been granted, in

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Baltimore, Maryland 21236

Dear Mr. and Mrs. Thomas:

Towson, MD 21204

9506 Horn Avenue

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PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for I/we do solemnly deciare and affirm, under the penalties of perjury, that f/we are the legal owner(s) of the property which is the subject of this petition. James Bradley Thomas Branda G Thomas Branda & Shomes Baltimore MD 21236-1522 A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

July 2, 1992

(410) 887-3353

Mr. & Mrs. James B. Thomas 9506 Horn Avenue Baltimore, MD 21236-1522

RE: Item No. 507, Case No. 92-478-A Petitioner: James B. Thomas, et ux Petition for Administrative Variance

Dear Mr. & Mrs. Thomas:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Towson, MD 2120 r

Printed on Recycled Paper

File Number

DEFRM

в тишво

COUNT 3

- 111 West Chesapeake Avenue (410) 887-3353

Your petition has been received and accepted for filing this

Waiver Number

Robert N. And Joan M. Greene

Albert F. And Ann B. Nocar

Gene Nelson And Paulette Ensor

Lawrence F. And Ruth C. Solomon

Aurelia Loveman For Joseph H. Loveman

Timothy W. And Carol Anne M. Frost

James B. And Brenda G. Thomas

Victor E. And Sandra J. Fiorenza

James E. Bishop, Sr.

Washington Homes, Inc

DED DEPRM RP STP TE

Batimore Gas And Electric Company

Petitioner: James B. Thomas, et ux Petitioner's Attorney:

21st day of June, 1992

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06/16/92

Meeting Date

mprocess

written comments

in process

m process

6-15-92

in process

In process

NO COMMENTS

NO COMMENTS

50 MICROFILMED NO COMMENTS

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

<u>MEMORANDUM</u>

Arnold Jablon, Director - Zoning Administration & Development

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

June 17, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - June 15, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Robert A. Yeatman Joseph & Aurelia Loveman - Item 505 Timothy & Carol Ann Frost - Item 506 James & Brenda Thomas - Item 507 Victor & Sandra Fiorenza - Item 509

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

ZONING OFFICE

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e Number Waiver Number	Zoning Issue Meeting Date
Washington Homes, Inc	504 \ <b>%</b> -15-92
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DEPRM RP STP TE	No Connerts
Lena Guise	510
DEPRM RP STP TE	No Connets
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* END OF REPORT **	*

OPZ/Strategic Planning (Design Review Development Review Committee Response Authorized Signature	Form		06.1a/ Date 6/22/
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Leon G. McKemv			=======================================
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111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

James and Brenda Thomas 9506 Horn Avenue Baltimore, Maryland 21236-1522

Re: CASE MURBER: 92-478-1 LOCATION: W/S Horn Avenue, 250' M of c/l Halbert Avenue 9506 Horn Avenue 11th Election District - 5th Councilmenic

DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

JUNE 12, 1992

1) Your property will be posted on or before June 21, 1992. The closing date is July 6, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the metter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are psyable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE

FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR

92-178-A
7-6-9

Baltimore County Government
Fire Department

S 6354-9Z (410) 887-4500

700 East Joppa Road Suite 901 Towson, MD 21204-5500

JUNE 12, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JAMES BRADLEY THOMAS AND BRENDA G. THOMAS **#9506 HORN AVENUE** Location:

Item No.: \*507 (LJG) Zoning Agenda: JUNE 15, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

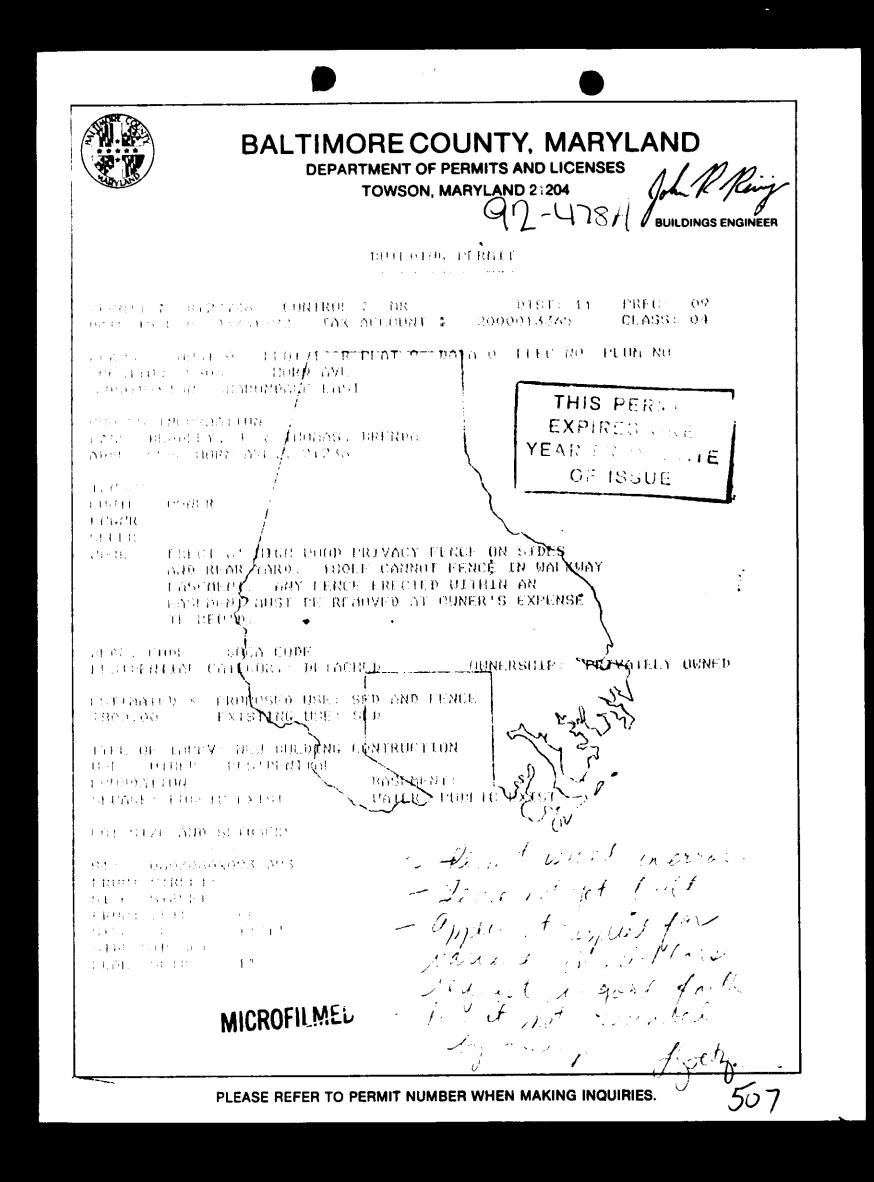
7. The Fire Prevention Bureau has no comments at this time.

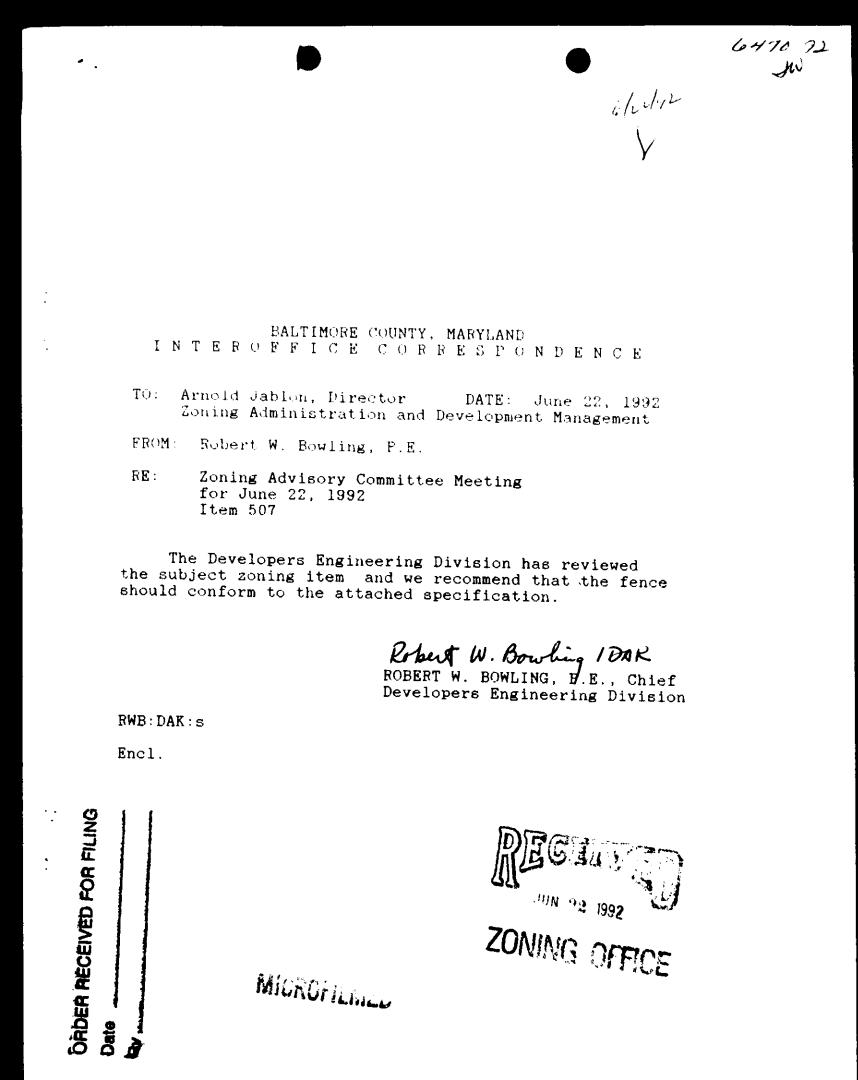
Fire Prevention Bureau Special Inspection Division

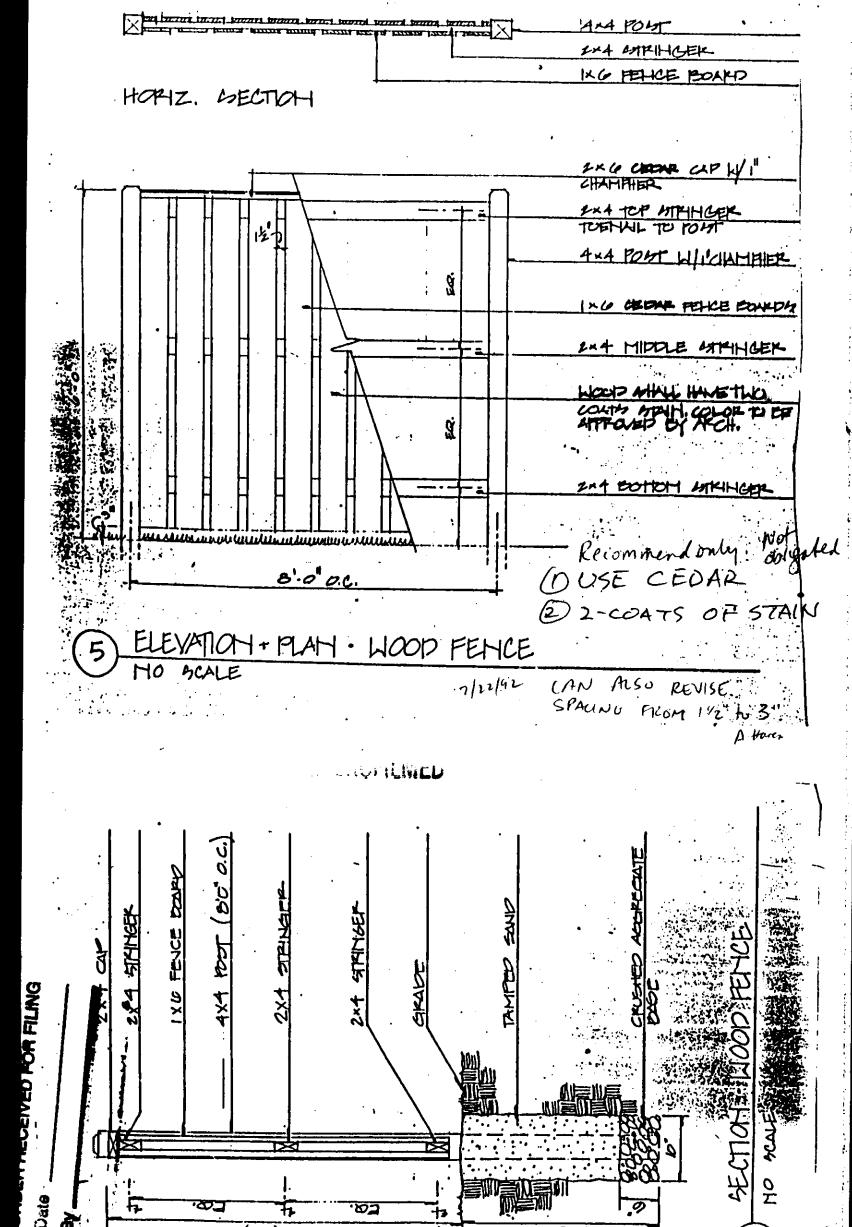
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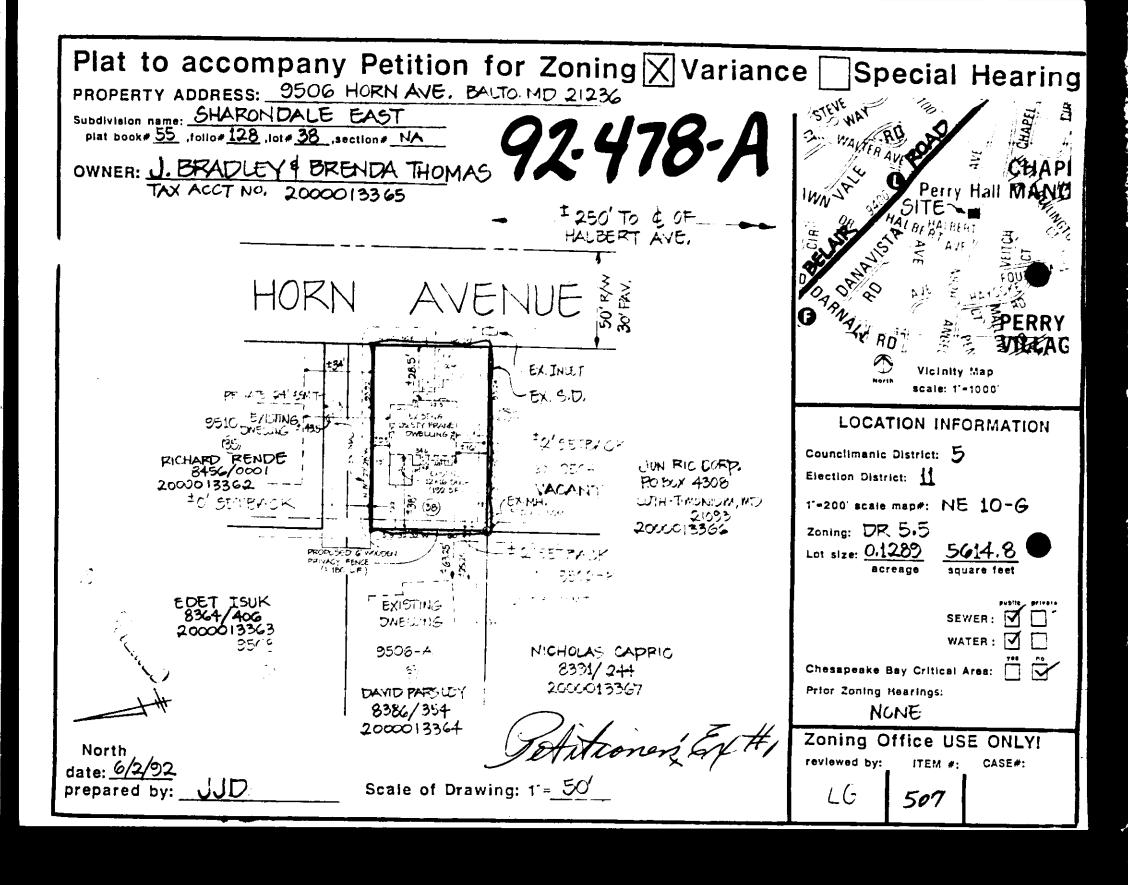


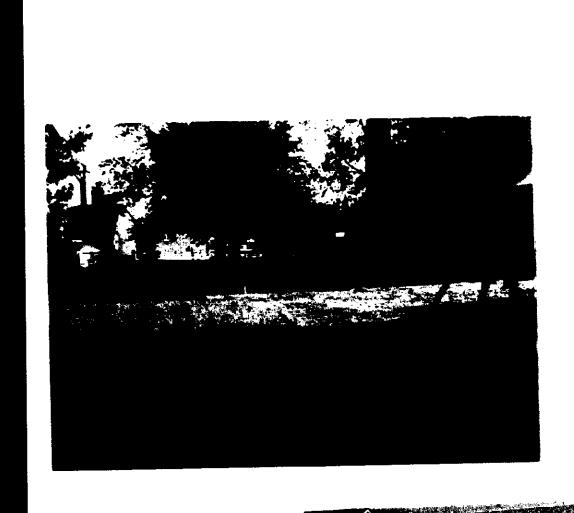
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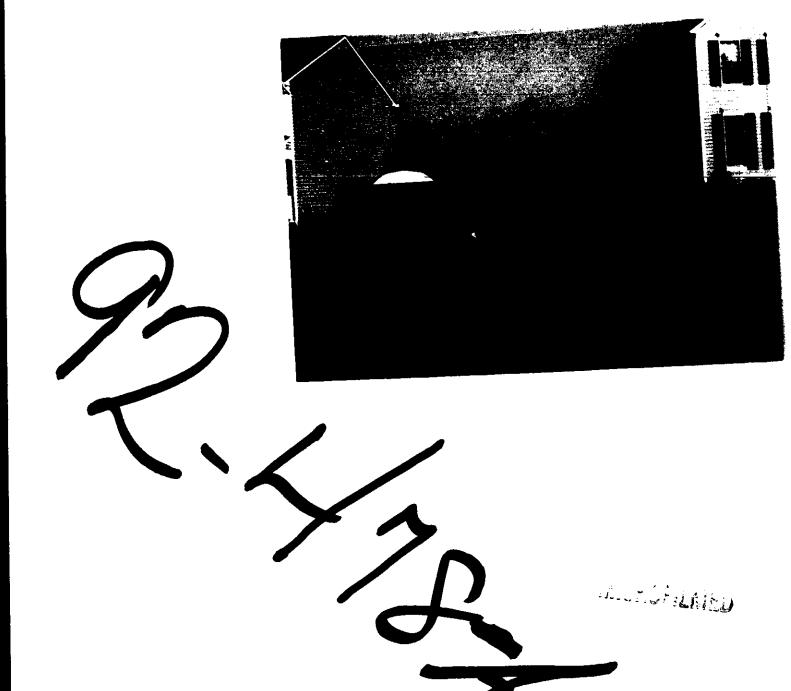


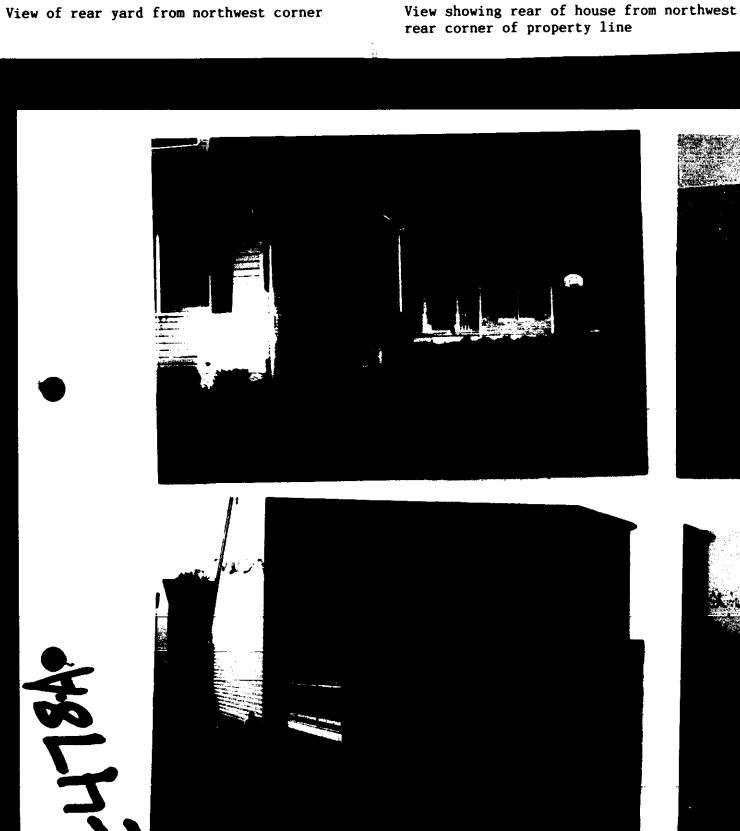










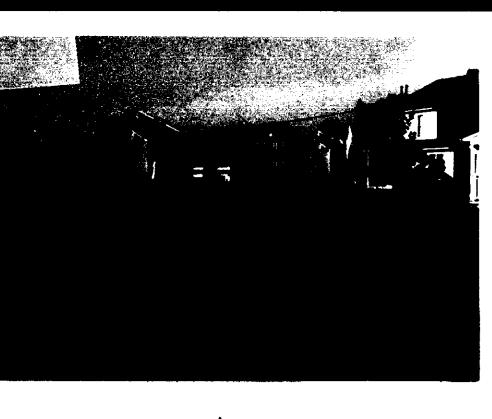


Neighbor across street

Rear view along southern side property line

Northern view along rear property line

Southern view along rear property line



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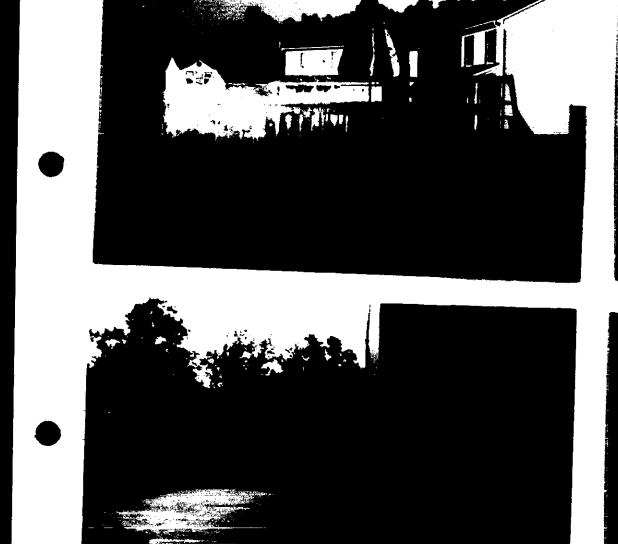
Side view facing northwest

Front view along southern property line

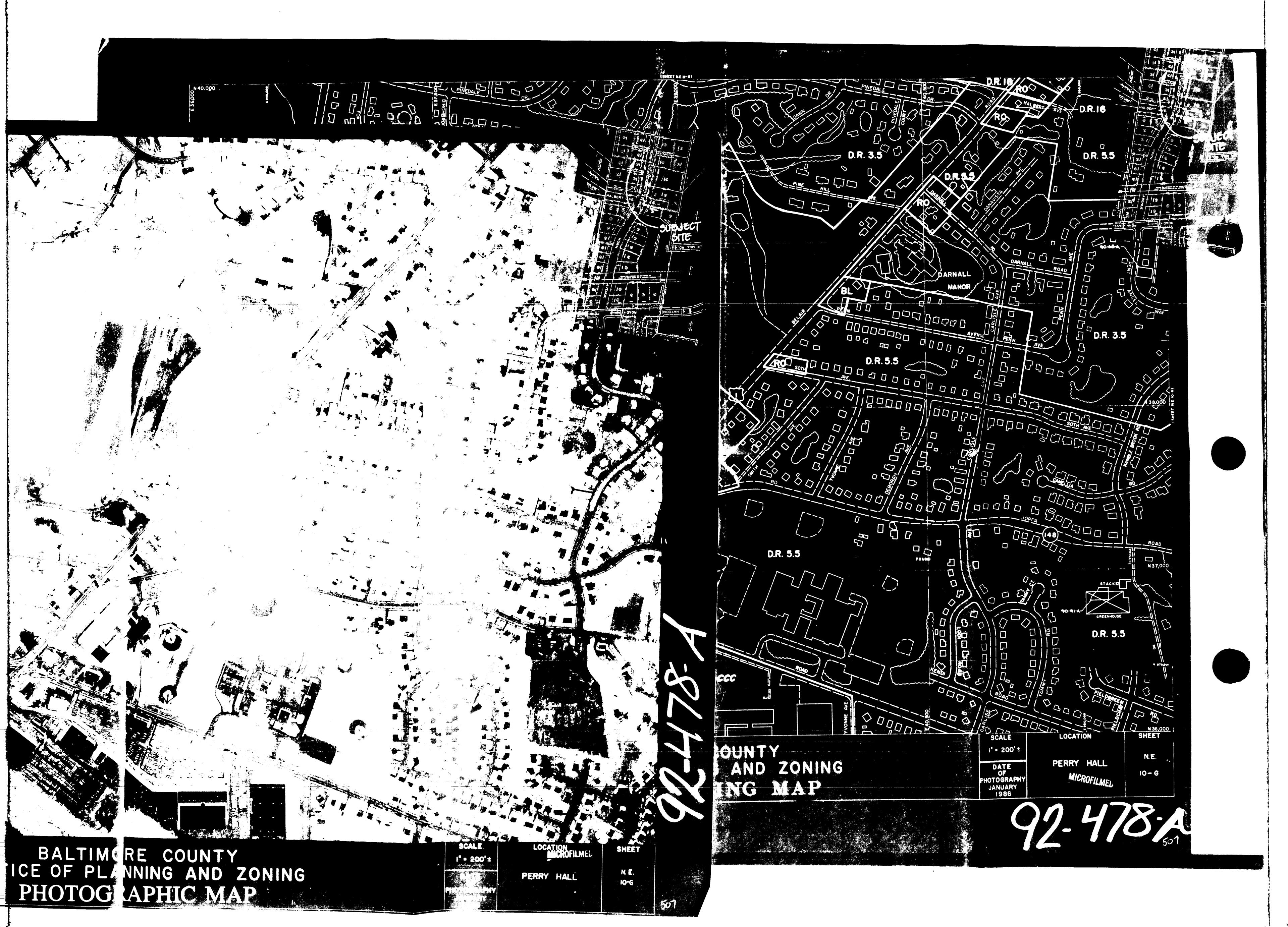
Rear view along northern property line

showing house whose front yard is affected









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Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 8, 1992

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Suite 113 Courthouse

400 Washington Avenue

Mr. and Mrs. James B. Thomas

Case No. 92-478-A

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Towson, MD 21204

9506 Horn Avenue

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> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

July 2, 1992

(410) 887-3353

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Towson, MD 2120 r

Printed on Recycled Paper

File Number

DEFRM

в тишво

COUNT 3

- 111 West Chesapeake Avenue (410) 887-3353

Your petition has been received and accepted for filing this

Waiver Number

Robert N. And Joan M. Greene

Albert F. And Ann B. Nocar

Gene Nelson And Paulette Ensor

Lawrence F. And Ruth C. Solomon

Aurelia Loveman For Joseph H. Loveman

Timothy W. And Carol Anne M. Frost

James B. And Brenda G. Thomas

Victor E. And Sandra J. Fiorenza

James E. Bishop, Sr.

Washington Homes, Inc

DED DEPRM RP STP TE

Batimore Gas And Electric Company

Petitioner: James B. Thomas, et ux Petitioner's Attorney:

21st day of June, 1992

MICROFILMEL

06/16/92

Meeting Date

mprocess

written comments

in process

m process

6-15-92

in process

In process

NO COMMENTS

NO COMMENTS

50 MICROFILMED NO COMMENTS

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

<u>MEMORANDUM</u>

Arnold Jablon, Director - Zoning Administration & Development

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

June 17, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - June 15, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Robert A. Yeatman Joseph & Aurelia Loveman - Item 505 Timothy & Carol Ann Frost - Item 506 James & Brenda Thomas - Item 507 Victor & Sandra Fiorenza - Item 509

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

ZONING OFFICE

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e Number Waiver Number	Zoning Issue Meeting Date
Washington Homes, Inc	504 \ <b>%</b> -15-92
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Aurelia Loveman For Joseph H.	Loveman 505
DEPRM RP STP TE	No Coments
Timothy W. And Carol Anne M. F	rost 506 ^
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James B. And Brenda G. Thomas	507 (
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James E. Bishop, Sr.	508
DEPRM RP STP TE	No Connerts
Victor E. And Sandra J. Fioren	509.
DEPRM RP STP TE	No Connerts
Lena Guise	510
DEPRM RP STP TE	No Connets
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* END OF REPORT **	*

OPZ/Strategic Planning (Design Review Development Review Committee Response Authorized Signature	Form		06.1a/ Date 6/22/
Project Name File Number - Walver Number	Zon	ing Issue	·
. 1500 Glencoe Road - Oldfields Sc . STP		Inc. 92-399-XA	4-27-92
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COUNT 1			
Scripps Howard Broadcasting Comp	áñV		
STP Hearing was held b	78/92	) =============	5-4-92
COUNT 1			
Nelson H. And Lee M. Hendler STP	485		6-1-72
Leon G. McKemv			=======================================
STF	486	Commen	Tsubmitted
COUNT 2		<del></del>	
√ Washington Homes, Inc			
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Aurelia Loveman For Joseph H. Lo	veman		
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James B. And Brenda G. Thomas			
DED DEPRM RP STP TE	507	NC	
James E. Bishop, Sr.			
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Victor E. And Sandra J. Fiorenza			****
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111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

James and Brenda Thomas 9506 Horn Avenue Baltimore, Maryland 21236-1522

Re: CASE MURBER: 92-478-1 LOCATION: W/S Horn Avenue, 250' M of c/l Halbert Avenue 9506 Horn Avenue 11th Election District - 5th Councilmenic

DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

JUNE 12, 1992

1) Your property will be posted on or before June 21, 1992. The closing date is July 6, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the metter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are psyable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE

FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR

92-178-A
7-6-9

Baltimore County Government
Fire Department

S 6354-9Z (410) 887-4500

700 East Joppa Road Suite 901 Towson, MD 21204-5500

JUNE 12, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JAMES BRADLEY THOMAS AND BRENDA G. THOMAS **#9506 HORN AVENUE** Location:

Item No.: \*507 (LJG) Zoning Agenda: JUNE 15, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

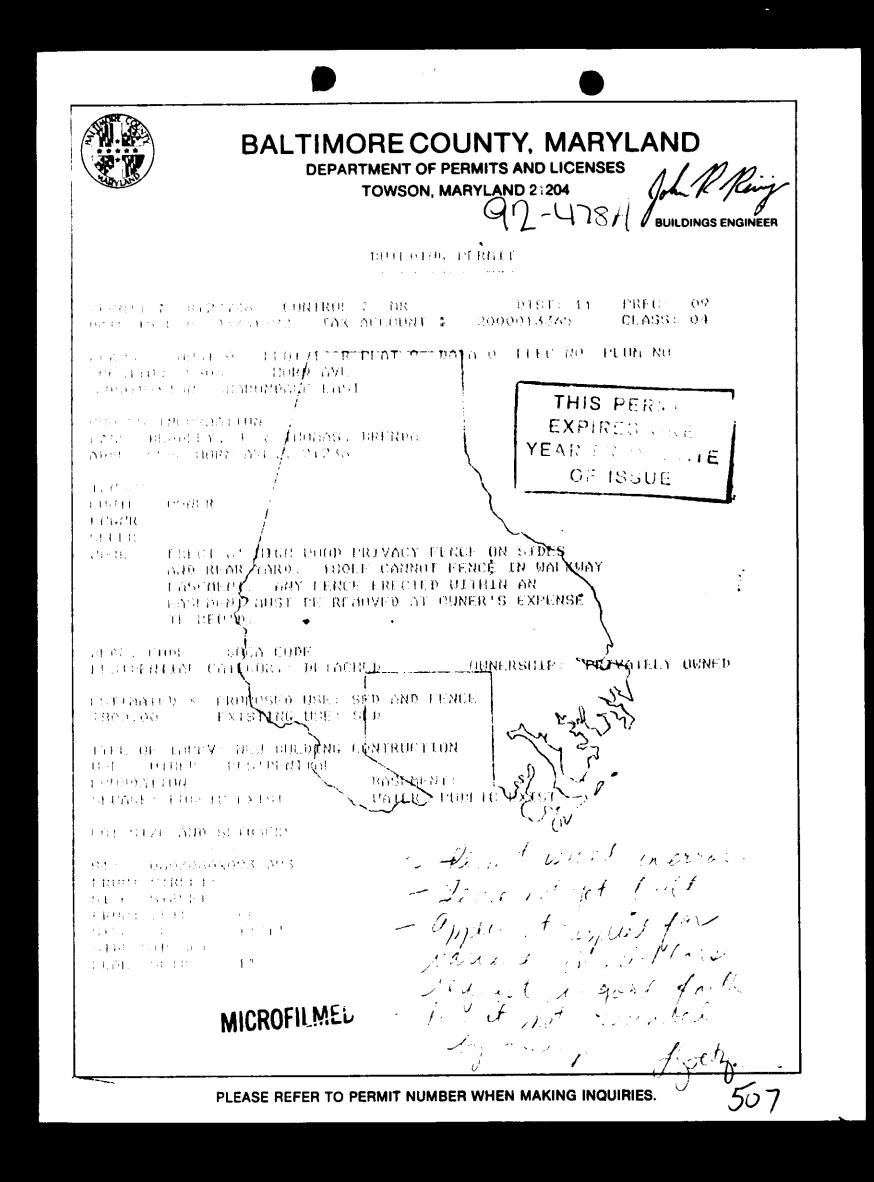
7. The Fire Prevention Bureau has no comments at this time.

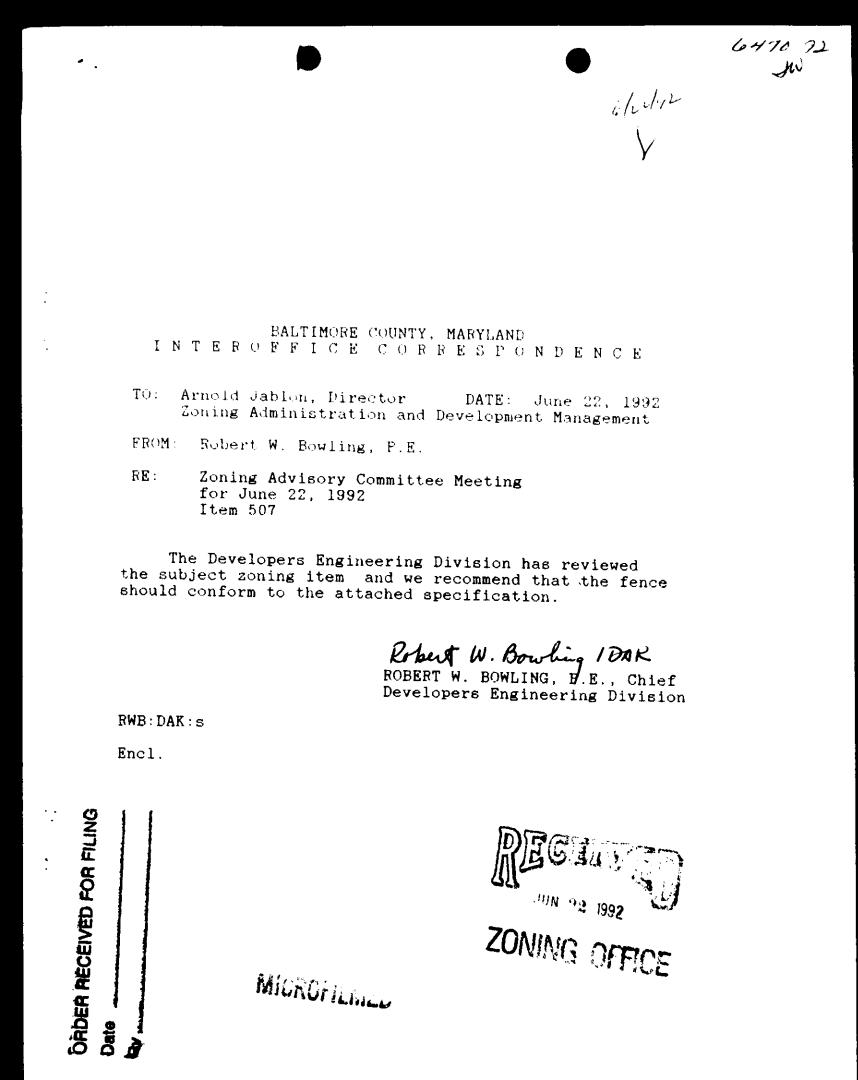
Fire Prevention Bureau Special Inspection Division

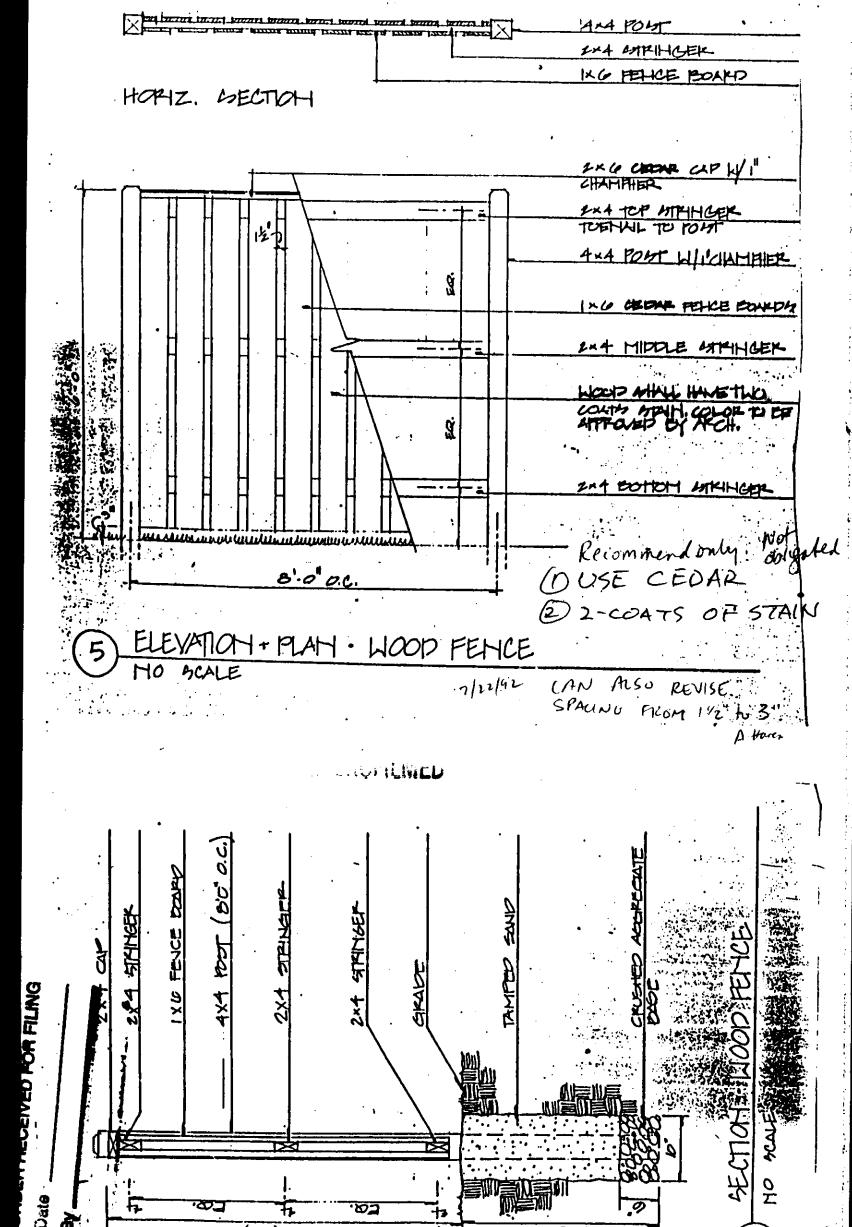
JP/KEK

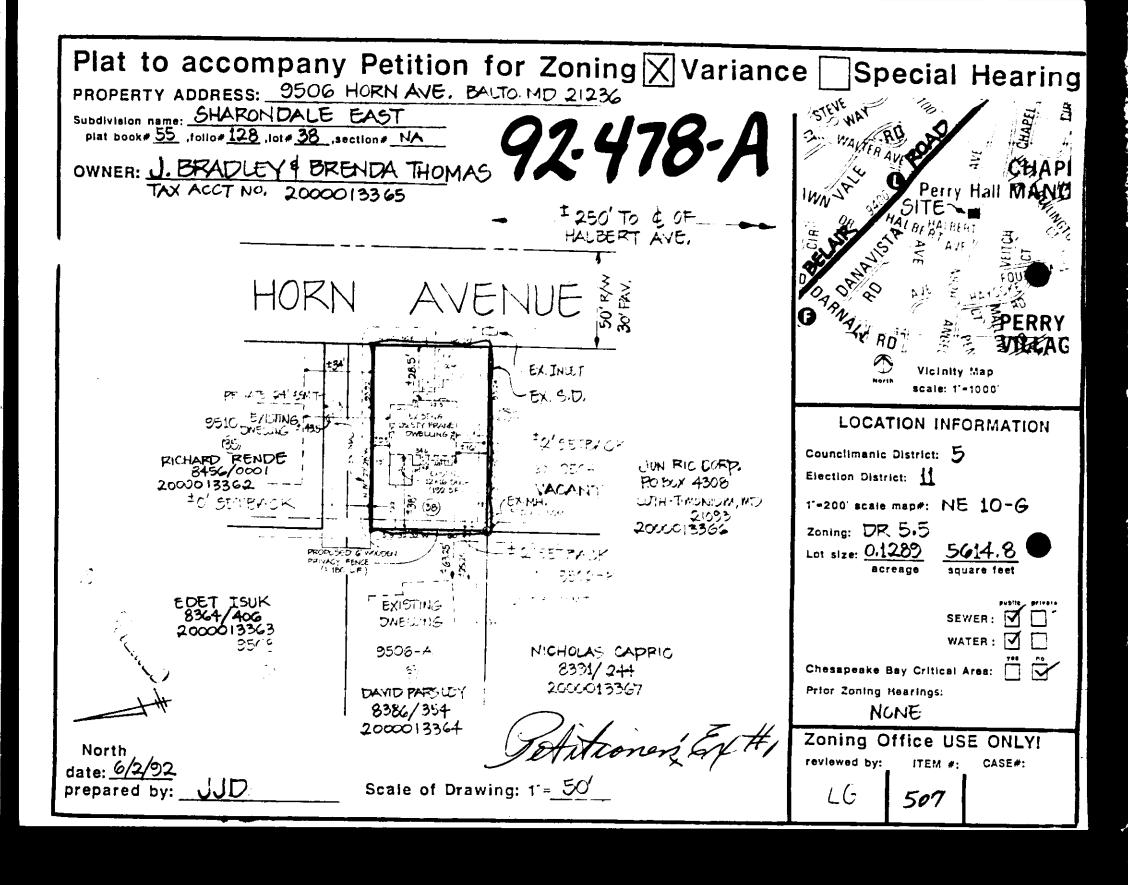


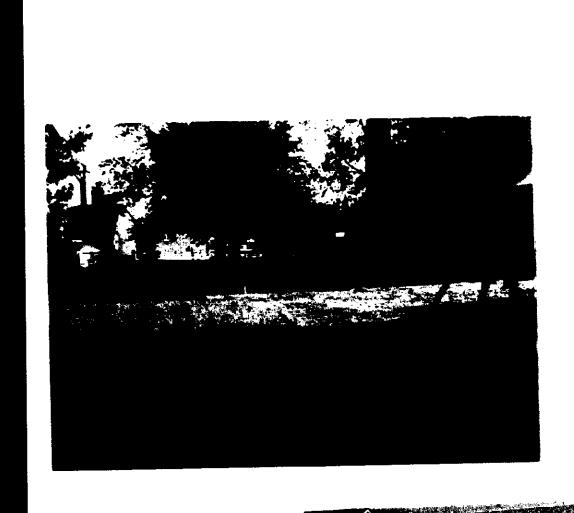
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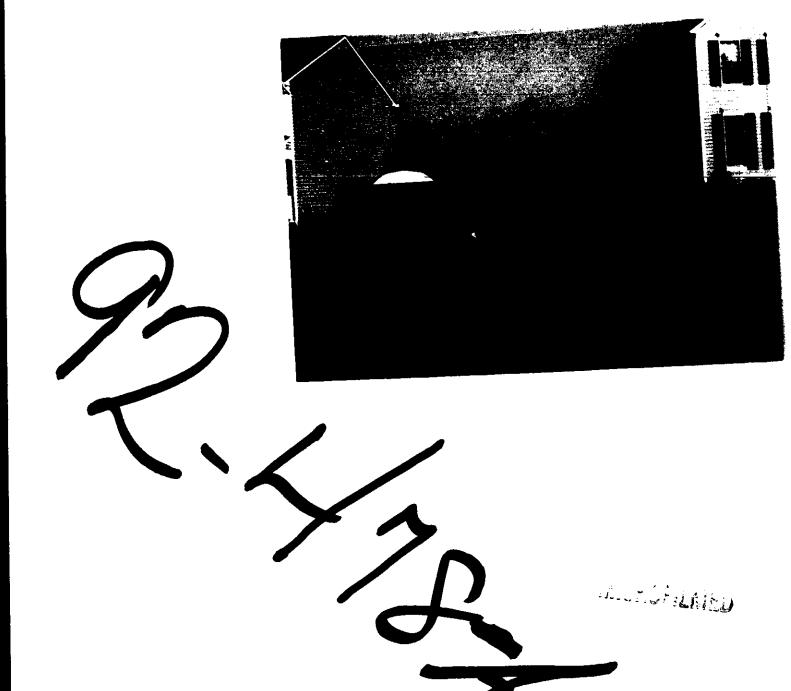


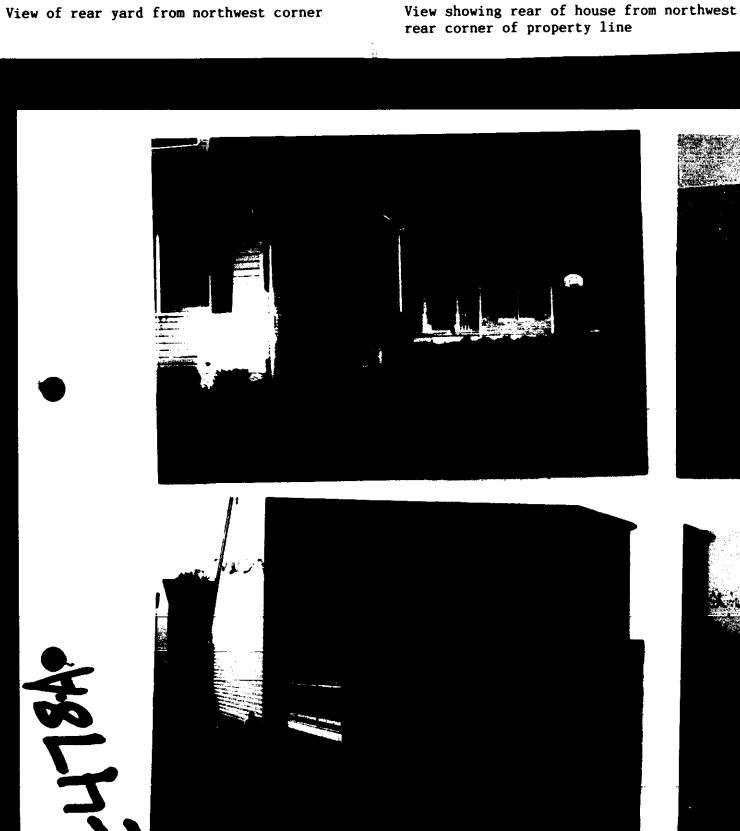










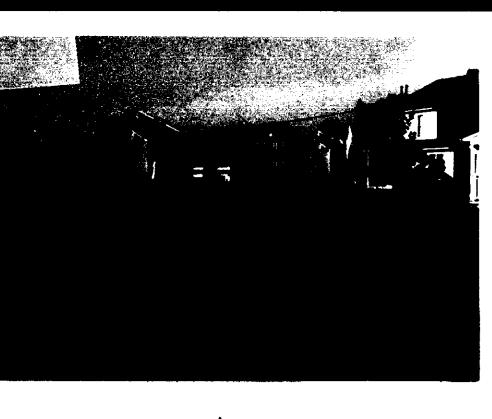


Neighbor across street

Rear view along southern side property line

Northern view along rear property line

Southern view along rear property line



MCROFILMED

Side view facing northwest

Front view along southern property line

Rear view along northern property line

showing house whose front yard is affected



